

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

CLAUDE GENE LEE, SR.,)	
)	
Plaintiff,)	
)	
vs.)	CASE NO. 1:06-CV-874-MHT
)	
WESTPOINT HOME, INC.,)	
)	
Defendant.)	

JOINT MOTION TO HOLD SETTLEMENT CONFERENCE VIA TELEPHONE

The parties in this matter respectfully move jointly to hold the settlement conference required under Section 3 of the Uniform Scheduling Order (Doc. # 7) via telephone, rather than face-to-face upon the following grounds:

1. Plaintiff Claude Gene Lee, Sr. initiated this action against the Defendant WestPoint Home, Inc. on September 28, 2006.
2. Plaintiff's current counsel is located in Birmingham, Alabama and Plaintiff is located in Dothan, Alabama.
3. Defendant's counsel is located in Montgomery, Alabama and Defendant is located in New York.
4. The parties to this action have previously engaged in unsuccessful settlement discussions in an attempt to resolve this matter without further litigation.
5. It is inconvenient for the parties to meet face to face to engage in a settlement conference.

WHEREFORE, PREMISES CONSIDERED, the parties to the above-styled action respectfully request that this Court enter an Order allowing them to conduct via telephone a settlement conference in accordance with Section 3 of the Uniform Scheduling Order (Doc. # 7).

Respectfully submitted this 6th day of July 2007.

/s/Kelly F. Pate

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